

**AGREED BOARD ORDER NO. 06-05**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident No. 04162**

This Order is issued by the Louisville Metro Air Pollution Control Board (Board) pursuant to Kentucky Revised Statutes Chapter 77 (Air Pollution Control). This Agreement is made by and between the Board and the Metropolitan Sewer District (MSD).

**COMPANY:** Metropolitan Sewer District  
700 West Liberty Street  
Louisville, Kentucky

**AFFECTED FACILITY:** Morris Forman Wastewater Treatment Plant  
4522 Algonquin Parkway

**REGULATION INVOLVED:** 2.03 (Permit Requirements Non-Title V Construction and Operating Permits and Demolition/Renovation Permits)

**NOTICE OF VIOLATION LETTER:** No. 01774, dated June 2, 2006

**BACKGROUND AND DISCUSSION:**

MSD operates the Morris Forman Wastewater Treatment Plant (MFWTP) pursuant to Air Pollution Control District (APCD) operating permits. During routine, on-site compliance inspections at MFWTP, APCD discovered the following non-compliance with facility permits:

- failure to conduct a stack test to establish an operating temperature for the fume incinerator, as required by Permit No. 299-01;
- failure to conduct semi-annual SO<sub>2</sub> testing for the fume incinerator, as required by Permit No. 299-01, for nine semi-annual periods (2001 - 2006);
- failure to conduct quarterly testing of influent to the caustic scrubbers for acrylonitrile, toluene, chloroform, and methylene chloride, as required by Permit No. 98-99, for ten quarters in 2001 - 2004;
- failure to conduct monthly visible emission surveys on the Cleaver-Brooks boiler, as required by Permit No. 300-01; and
- failure to submit a permit application for the modification to the equipment and processes for the activated sludge expansion project in 2004 and for two natural gas boilers installed in 2005.

MSD has taken the following measures to achieve compliance with its permits and APCD regulations:

- notified APCD of its intent to conduct stack tests on the fume incinerator for both VOC destruction and SO<sub>2</sub> by October 15, 2006;
- conducted quarterly monitoring of the influent to the caustic scrubbers since January, 2005;
- decommissioned the Cleaver-Brooks boiler in March, 2005; and
- submitted an application for the natural gas boilers in March, 2005, and for the modification to the sludge expansion project in April, 2006.

To fully resolve the violations alleged above of District Regulation 2.03, the parties agree to this Order assessing against MSD an administrative settlement of \$17,250 and requiring MSD to conduct stack testing and to submit reports of the stack testing within 60 days of testing.

On September 20, 2006, a public hearing was held before the Board on the proposed settlement. Based upon the evidence presented at that hearing, the Board determined that the proposed resolution and requirements were reasonable under the circumstances.

**NOW, THEREFORE, BE IT ORDERED THAT:**

1. MSD has paid \$17,250 to the Louisville Metro Air Pollution Control District.
2. MSD shall conduct testing for VOC destruction and SO<sub>2</sub> on the fume incinerator as required by Permit No. 299-01 and the testing protocol approved by APCD no later than October 15, 2006, and shall submit to APCD a report of the testing no later than 60 days after the testing.
3. MSD has reviewed this Order and consents to all its requirements and terms. Further, MSD agrees to pay the cost of publishing legal notice of the public hearing.
4. In the event that it is necessary for the District to seek a court order to enforce this Order, MSD agrees to pay filing fees and costs of such action.
5. This Order fully resolves the violations alleged in District Incident No. 04162, and as alleged above in this Order.

Dated this 20th day of September, 2006.

Louisville Metro Air Pollution Control Board

By: \_\_\_\_\_  
Karen A. Cassidy, Ph.D.  
Chair

Metropolitan Sewer District

By: \_\_\_\_\_  
Herbert J. Schardein, Jr.  
Director

Louisville Metro Air Pollution  
Control District

By: \_\_\_\_\_  
Jesse Goldsmith, P.E.  
Air Pollution Control Officer

Approved as form and legality:

By: \_\_\_\_\_  
Lauren Anderson  
Assistant County Attorney